

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DARON J. ROGERS,

Plaintiff,

v.

CARL DANBERG, DETECTIVE SHRINNER,
MAYOR KENNY BRANNEN, TIMOTHY TEARL,
MARIA T. KROLL, CHIEF COL. RICK GREGORY
And Ruth Ann Minner,

Defendants

CIV. NO. # 07-203-GMS

Jury Trial of twelve
Demanded



Motion to Amend pursuant to Rule 15A BD scanned
OF THE CIVIL RULES OF CIVIL PROCEDURE

COME NOW, Daron Rogers prose. THE plaintiff who humbly
request that the following information be amended in the above titled
civil action number.

Memorandum

THE plaintiff - Daron J. Rogers ("Rogers"), an inmate formerly of Howard
P. Young Correctional Center ("HYCC") and is now incarcerated at
The Delaware Correctional Center near Smyrna. Filed a civil action
pursuant to 42 U.S.C. § 1983 He was granted in forma pauperis
status pursuant to 28 U.S.C. § 1915.

On July 12, 2007, THE Honorable Court dismissed this action without prejudice for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2) and § 1915A(b)(1), and stated Rogers is granted leave to amend the complaint.

Statement of claim

- 1). Plaintiff brings this suit against defendants in their official and individual capacities. Plaintiff has exhausted all administrative remedies that are afforded him.
- 2). Plaintiff was arrested on Aug 30, 03 for Robbery 1, Degree. The alleged offence was against Timothy Teal (hereinafter) (Teal). (Teal) accused 3 Black males of Robbing him of an undisclosed amount of U.S. currency (Teal) never pursued the issue of prosecution. Detective Skinner informally investigated the case, Plaintiff has a long trail by no means exhaustive history with Def. Skinner
- 3). The arresting officer said that he investigated this case and had several witnesses that did place plaintiff at the scene of the crime.
- 4). Plaintiff was on level 3 probation and was at work on the day of incident, Plaintiff works for a small crime/counselling business
- 5). Plaintiff was coerced into a plea agreement by Defendant's Carl Denberg, Maria T. Knoll, Defendant Skinner, a fast track for violation of probation on Dec. 20, 03.
- 6). Plaintiff rejected the State's plea offer and was sentenced to 3 yrs Level V ~~19C IV~~, 6mo work release and 6mo Level 4 home confinement.

- Plaintiff was maliciously and sadistically prosecuted without being found guilty for the offense of Robbery 1, degree plaintiff went to trial on said charge of Robbery 1 degree and was found "not guilty" on all charges despite this exoneration Defendant's supra. willfully and maliciously Denied plaintiff Redress to the Court pertaining to his illegal incarceration on probation violation after this Exoneration (by way of motion to correct sentence) which was repeatedly denied by Honorable Gebline of Superior Court Newcastle
- 8.) plaintiff had another encounter with (tearl) at this time teal stated he pulled up with a friend Charles Owens in the second alleged offense ("plaintiff state the inference he now relating happened before trial") plaintiff was targeted by Def Shimmer and arrested along with, Eony Brokenbough N.Y. Brokenbough was arrested and consequently charged and found guilty of the alleged wrongdoing at Trial no evidence was collected to convict plaintiff because he was innocent of all wrongdoing 100%, cleared plaintiff trial lasted 2 days Defendant's lack of investigatory policies and/or practices was the nexus which Deprived plaintiff of his clearly established constitutional right under the united state constitution. Had Defendant investigated to conclusion plaintiff would not had to endure restraint of his liberty for 1095 days Defendant lack of investigatory policy or practices was the cause in fact of plaintiff deprivation all Defendant over the moving force explained (Helen) behind the the alleged deprivation and has displayed deliberate indifference to plaintiff. Right and interest and safety in violation of the Eight and Fourteenth amendment constitutional Guarantee

Defendant Timothy Teal with Requisite or culpable state of mind knew of and was aware that Plaintiff faced a substantial risk of serious harm. Defendant (Teal) knew that by implementing Plaintiff in said alleged offense outlined (herein) would place Plaintiff under circumstances posing a unreasonable threat of harm by incarceration. This imposition posed a substantial and life and obvious irreparable harm to Plaintiff and Defendant (Teal) has display 'Deliberate indifference to Plaintiff interest and safety in violation of the Eighth Amendment and its Amendments. Defendant (Teal) acted in violation in the instant litigation was the malicious and sadistic intent displayed for the very purpose of causing harm to Plaintiff [i.e. his incarceration for 1095 days] without due process of law. Plaintiff suffered unnecessarily, severe irreparable injury [i.e. Emotional Distress Pain and Suffering inflicted upon him by aanton Flitars and malicious proceeding] and Defendant (Teal) failed to take reasonable measure to abate it.

Defendant's supra, knew that the Subjective Deprivation was sufficiently serious and objectively disregarded it. Defendant knew that Plaintiff incarceration posed a substantial risk of irreparable harm which was sufficiently serious to warrant conclusion investigatory practices and police this Subjective Deprivation was objectively disregarded and Defendant supra failed to remedy the known wrong. Plaintiff was extenuated at trial of the lead charge of Robbery I, degree which would automatically preclude his probation violation sentence moreover, despite this fact Plaintiff was repeatedly denied. Redress in the Superior Court in regard to his illegal incarceration the challenged conduct is not and was not reasonable related to a legitimate penological goal.

Plaintiff personally placed Defendant Supra, on Notice of his illegal prosecution Defendant intentionally disregarded plaintiff interest and Deliberately failed to investigate Plaintiff allegation of willful and malicious prosecution i.e., motion to correct sentences submitted to the Appropriate Court Superior for Newcastle County Honorable Judge Gemline Respectfully stating which were repeatedly denied

Defendant Carl Danberg, Mayor Henry Blanner, Maria T. Knott, Chief Col. Rick Gregory, and Ruth Ann Minter (Supervisory official hereinafter) (Supervisory officials) Defendants with requisite or culpable state of mind were deliberately indifferent to Plaintiff's interest and safety Defendant knew of and was aware that Plaintiff faced a substantial risk of irreparable harm and disregarded that risk by failing to take reasonable measures to abate it. Defendant failed to investigate to conclusion, the alleged offenses against Plaintiff (Supervisory officials) failed to investigate and also failed to take reasonable measures to abate the actual harm that befalling Plaintiff despite their knowledge of a substantial risk of serious harm to Plaintiff's interest the obduracy and wantonness and the attitude of (Supervisory officials) also give rise to deliberate indifference to Plaintiff's interest and safety at this stage of the instant litigation (Supervisory officials) have turned a blind eye toward the violation of Plaintiff clearly established constitutional right to due process of law and the prohibition of cruel and unusual punishment prohibited by the 8th, 14th Amendment

Defendant, Carl C. Dantberg, Maria T. Knott, Detective Skinner

Chief Col Rick Gregory, was responsible for prosecuting and administering the illegal incarceration upon these Corsony Method and promulgated practice and policies of investigatory has caused Plaintiff actual damages Defendant (Supervisory official) made a culpable refusal to redress Plaintiff claims of illegal incarceration (Supervisory officials) knew that Plaintiff faced a substantial risk of irreparable harm, and failed to take reasonable actions to abate it. (Supervisory officials) was existing policy or practices that substantially creates an unreasonable risk of Eighth Amendment injury (Supervisory officials) knew of and was aware that his Subordinates was indifferent to that risk. Moreover, that the injury suffered by Plaintiff was the direct result from the nexus policy or practices (Supervisory officials) were personally put on notice thru a Report and appeal [i.e. motion to correct sentence] and intentionally refused to remedy the wrong Plaintiff suffered the necessary and wanton infliction of pain and has been subjected to severe emotional distress Due to (Supervisory official) Deliberate indifference to Plaintiff interest and safety Due to (Supervisory official) willful and malicious and sadistic prosecution Plaintiff does not seek monetary damages from the United State Treasury Department we seek to hold Defendant supra in the individual capacity liable for the deprivation of Plaintiff clearly established constitutional right under the Eighth and Fourteenth amendment to the United States Constitution

Date: 7/30/07

DARON J. RODGERS SBT #

1181 Quailock RD Sanger, TX 76788

19977

Relief Sought

Monetary Damages in the amount of \$500,000.00

Penal Damages in the amount of \$500,000.00

Nominal Damages in the amount of \$500,000.00

Special Damages [i.e. Emotional Distress]
in the amount of 1,000,000.00

And whatever Damages the Honorable Court Deems Just and proper

Date: 7/30/07

DAVID J. RODGERS, #11

1181 Paddock RD. Smyrna, GA 30080
19977

Certificate of Service

I, Dawn Rodgers, hereby certify that I have served a true and correct cop(ies) of the attached: Carl Danberg, Detective Strinner, Mayor Kenny Branner, Timothy Teal, Marietta Knoll Chief upon the following parties/person (s): Lol Rick Gregory Butlan Miner

TO: Carl Dan Berg
820 North French St
Wilm DE 19801

TO: Mayor Kenny
Branner 19 West
green street
Middle town
DE 19709

TO: Timothy teal
8 west green
St middle town
DE 19709

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977, postage to be paid by the Dept. Of Corrections.

On this 24 day of July, 2007

Certificate of Service

I, SAME, hereby certify that I have served a true
and correct cop(ies) of the attached: SAME
SAME upon the following
parties/person (s): SAME

TO: Marla J Knoll
820 North French
St Wilm DE
19801

TO: Chief COI. Rick
Gregory Minardale
Station New Castle
DE 19720

TO: Det ANN Minner
150 William penn
St 2nd Floor tatnall
Bldg Dover
DE 19901

TO: Det SHinner
Minardale Station
Police Head Quarters
Newcastle DE
19720

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977, postage to be paid by the Dept. Of Corrections.

On this 24 day of JULY, 200

07

